

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHERYL SIMMONS,)	
)	
Plaintiff,)	
)	
vs.)	
)	
DYNIA AND ASSOCIATES, LLC,)	
)	
Defendant.)	

COMPLAINT

INTRODUCTION

1. Plaintiff Cheryl Simmons brings this action to secure redress from unlawful collection practices engaged in by defendant Dynia and Associates, LLC. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).

2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

VENUE AND JURISDICTION

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 (general federal question), and 28 U.S.C. §1337 (interstate commerce).

4. Venue and personal jurisdiction in this District are proper because defendant’s collection activities impacted plaintiff within this District.

PARTIES

5. Plaintiff Cheryl Simmons is an individual who resides in DuPage County, Illinois.

6. Defendant Dynia and Associates, LLC is a law firm organized as an Illinois limited liability company with offices at 4849 N. Milwaukee Avenue, Suite 801, Chicago, IL 60630.

7. Defendant Dynia and Associates, LLC is engaged in the business of collecting allegedly defaulted debts originally owed to others and incurred for personal, family or household purposes.

8. Defendant Dynia and Associates, LLC regularly uses the mails and telephones in the process of collecting the debts.

9. Defendant Dynia and Associates, LLC is a “debt collector” as defined in the FDCPA.

FACTS

10. This action concerns attempts to collect from plaintiff a credit card debt incurred for personal, family or household purposes and not for business purposes.

11. On or about July 25, 2012, Dynia and Associates, LLC filed suit against plaintiff on behalf of Jefferson Capital Systems, LLC in the Circuit Court of Cook County, Illinois, to collect such debt. A copy of the complaint and summons is attached as Appendix A.

12. On July 25, 2012, plaintiff resided in DuPage County, Illinois.

13. The complaint was not based on a contract that plaintiff had signed in Cook County, Illinois.

COUNT I – FDCPA

14. Plaintiff incorporates paragraphs 1-13.

15. Defendant’s filing in Cook County when plaintiff did not reside in Cook County and did not sign in Cook County a contract on which the action is based violates 15 U.S.C. §1692i.

16. Section 1692i provides:

§ 1692i. Legal actions by debt collectors [Section 811 of P.L.]

(a) Any debt collector who brings any legal action on a debt against any consumer shall--

(1) in the case of an action to enforce an interest in real property securing the consumer's obligation, bring such action only in a judicial

district or similar legal entity in which such real property is located; or

(2) in the case of an action not described in paragraph (1), bring such action only in the judicial district or similar legal entity--

(A) in which such consumer signed the contract sued upon; or

(B) in which such consumer resides at the commencement of the action.

(b) Nothing in this subchapter shall be construed to authorize the bringing of legal actions by debt collectors.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and against defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other or further relief as the Court deems proper.

s/ Daniel A. Edelman
Daniel A. Edelman

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NOTICE OF LIEN AND ASSIGNMENT

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/ Daniel A. Edelman
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